

REMARKS

Claims 3-8 are pending in this application. By this Amendment, claim 6 is amended. No new matter is added. Reconsideration of the application is respectfully requested in view of the above amendments and the remarks set forth below.

Restriction Requirement

The Office Action requires affirmation of the election of Group II, claims 3-8, drawn to a label pasting device. Applicants affirm the election of Group II, claims 3-8.

Section 112, Second Paragraph, Rejection

The Office Action rejects claim 6 under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant believes that this rejection is overcome with the above amendments to claim 6. Applicant notes that claim 6 and claim 5 correspond with Fig. 7 and Fig. 2, respectively.

Reconsideration and withdrawal of the rejection of claim 6 are respectfully requested.

Section 102/103 Rejections

The Office Action rejects claims 3-5 under 35 U.S.C. § 103(a) as being obvious over Suzuki et al. (U.S. Patent No. 4,992,123) in view of Parrish et al. (U.S. Patent No. 6,494,244). The Office Action also rejects claim 6 under 35 U.S.C. § 103(a) as being obvious over Suzuki et al. in view of Parrish et al. and further in view of Nash (U.S. Patent No. 5,674,345). The Office Action also rejects claims 7-8 under 35 U.S.C. § 103(a) as being obvious over Suzuki et al. in view of Parrish et al. and further in view of Ahr (U.S. Patent No. 5,837,087). The Office Action also separately rejects claims 3 and 6 (again) under 35 U.S.C. § 103(a) as being obvious over Nash in view of Suzuki et al. and Parrish et al. Thus all of claims 3-8 are rejected over a combination of Suzuki et al.

and Parrish et al. either alone, or in further combination with one of Nash or Ahr. These rejections are traversed.

The present claims are directed to a label-pasting device including an adhesive applier for applying pressure-sensitive adhesive to a label-material sheet composed of only label material; a die cutter for cutting out labels from the label-material sheet with pressure-sensitive adhesive; and a label paster for pasting the cut-out labels on a packing sheet.

The label-material sheet is composed of only label material and no peeling-off paper is used. A label-pasting method and a label-pasting device which do not require expensive peeling-off paper and hence enable low-cost label pasting.

Suzuki et al. is directed to a method for attaching an elastic member in a disposable diaper. The Suzuki et al. disposable diaper "elastic member 1" is not a label material. Thus, Applicant does not believe that Suzuki et al. teaches "A label-pasting device" or "an adhesive applier for applying pressure-sensitive adhesive to a label-material sheet composed of only label material" or "a die cutter for cutting out labels" or "a label paster for pasting ...labels on a packing sheet." Additionally, Applicant believes that it would not have been obvious to substitute a label material for the Suzuki et al. diaper elastic member for at least several reasons.

First, because the diaper "elastic member 1" is ultimately positioned out of view (between top sheet 16 and backsheet 9 as shown in Suzuki et al. Figure 2), there would have been no obvious reason to include a label in such a position.

Second, if the diaper "elastic member 1" were replaced with a label material, it could result in the Suzuki et al. disposable diapers becoming inoperative for their intended use as diapers. Thus, if the intended purpose of the Suzuki et al. method of attaching an elastic member into disposable diapers were to be replaced with a method of attaching labels {into disposable diapers?}, such a method would similarly be inoperative for its intended purpose of attaching an elastic member into disposable diapers.

Thus, Applicant respectfully submits that Suzuki et al. teaches or suggests a "label-pasting device" as required by the present claims.

The Office Action asserts that Parrish et al. teaches a die cutter and that it would have been obvious "to replace the rotary cutter of Suzuki et al. with a die cutter as suggested by Parrish et al. to provide the sheet material being cut with a variety of shapes" (see the last sentence in the first paragraph of section 9 on page 5 of the Office Action).

However, Parrish et al. fails to teach, suggest or provide any motivation for replacing the Suzuki et al. diaper "elastic member" with a label. Thus, Applicant respectfully submits that Parrish et al. fails to make up for the deficiencies in Suzuki et al. discussed above.

Additionally, Applicant notes that Suzuki et al., being directed to method for attaching an elastic member in a disposable diaper (and having nothing to do with labels), would have no need for the elastic member to be cut with a variety of shapes. Only the shape of the elastic member for diapers would be needed. Thus, Applicant does not believe that one of ordinary skill in the art would have any motivation to utilize any differing Parrish et al. cutting mechanism for the Suzuki et al. cutting mechanism. For at least this reason, Applicant respectfully submits that it would not have been obvious to combine the teachings of Suzuki et al. and Parrish et al.

Neither of Nash or Ahr teach, suggest or provide any motivation for replacing the Suzuki et al. diaper "elastic member" with a label. Thus, Applicant respectfully submits that both Nash and Ahr fail to make up for the deficiencies in Suzuki et al.

For at least the above reasons, reconsideration and withdrawal of the rejections of claims 3-5, claim 6, claims 7-8 and claims 3 and 6 are respectfully requested.

Conclusion

In view of the above amendments and remarks, Applicant respectfully submits that this application is in condition for allowance. Favorable consideration and prompt allowance of the claims is earnestly solicited. Should the Examiner believe anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

In the event this paper is not considered to be timely filed, Applicant respectfully petitions for an appropriate extension of time. The Commissioner is authorized to charge payment for any additional fees which may be required with respect to this paper to Counsel's Deposit Account 01-2300, making reference to Attorney Docket No. 107390-00005.

Respectfully submitted,

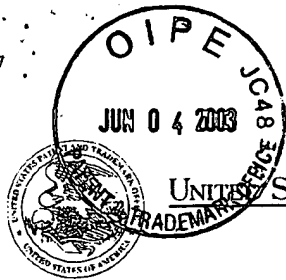
A handwritten signature in black ink, appearing to read "Robert K. Carpenter", written over a horizontal line.

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ABSTRACT OF THE DISCLOSURE

--The present invention relates to a label-pasting method and a label-pasting device which do not require peeling-off paper and hence enable low-cost label pasting. A label-pasting device includes (i) an adhesive applier for applying pressure-sensitive adhesive to a label-material sheet composed of only label material and fed from its roll, (ii) a die cutter for cutting out labels from the label-material sheet with pressure-sensitive adhesive, and (iii) a label paster for pasting the cut-out labels on a packing sheet. Because the label-material sheet is composed of only label material and no peeling-off paper is used, the label-pasting cost is low.--



Lisa
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,478	05/29/2001	Kunihiro Tabuchi	P107390-00005	4389

7590 05/20/2003

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EXAMINER

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ART UNIT	PAPER NUMBER
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DATE MAILED: 05/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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Paper No.

Notice of Non-Compliant Amendment (Voluntary Revised Practice)

The amendment filed 5/13/03 under the voluntary revised amendment practice guidelines¹, published in the Official Gazette on February 25, 2003 (*Amendments in a Revised Format Now Permitted*, 1267 Off. Gazette 106), does not fully comply with minimal requirements of the voluntary practice. In order for the amendment to be entered, it must either (1) comply with the guidelines of the voluntary revised amendment practice (which practice invokes waivers of certain 37 CFR 1.121(a)-(d) requirements) or (2) comply with current 37 CFR 1.121 requirements.

THE FOLLOWING ITEM(S) IN APPLICANT'S AMENDMENT CAUSES THE AMENDMENT TO BE NON-COMPLIANT WITH THE VOLUNTARY REVISED AMENDMENT PRACTICE.

- ☒ 1. A complete listing of all of the claims is not present in the amendment paper.
- ☐ 2. The listing of claims does not include the text of all claims currently under examination.
- ☐ 3. The claims of this amendment paper have not been presented in ascending numerical order.
- ☐ 4. Each claim has not been provided with a status identifier, and, as such, the individual status of each claim cannot be determined.
- ☒ 5. Other: Claim 1-2 one missing

LIE: Check one of the following boxes:

- ☐ **PRELIMINARY AMENDMENT:** Applicant is given ONE MONTH from the mail date of this letter to re-submit the amendment in compliance with either the guidelines of the revised amendment practice or current 37 CFR 1.121. Failure to comply with either the current 37 CFR 1.121 practice or with the voluntary practice will result in non-entry of the amendment and examination on the merits will commence without entry of the originally proposed preliminary amendment. This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.

☒ **AMENDMENT AFTER NON-FINAL ACTION:** Since the above-mentioned reply appears to be a *bona fide* response, applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit an amendment which complies with either the voluntary practice guidelines or current 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).

Richard W. Winkler
Team Leader

¹ For further explanation of the guidelines of the revised amendment format, please see the posted notice and sample amendment format at:
<http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf> and
<http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/formatrevamdtprac.pdf>